IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 864/2001

BHEEWAN RAM & ANR. Vs. STATE OF RAJASTHAN & ANR.

DATE: 11.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ashvin Garg for the accused-petitioners.
Mr. B.S. Chhaba, Public Prosecutor for the State.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 07.09.2001 passed by the Additional Sessions Judge No.1, Jaipur District, Jaipur in Criminal Revision No. 4/2000 whereby the Revisional Court has reversed the order dated 16.11.2000 passed by the Judicial Magistrate, First Class, Chomu, District Jaipur in Criminal Case No. 327/99 and directed the trial Court to proceed against petitioner Smt. Dhanni, the mother of Bheewan Ram for the offence under Sections 341, 323 IPC and against petitioner Bheewan Ram for the offence under Sections 341, 323 and Section 3(1)(10) of the SC/ST (Prevention of Atrocities) Act.

I have heard learned counsel for the accused-petitioners, learned Public Prosecutor for the State and have also gone through the orders passed by the

trial Court and the Revisional Court.

The Revisional Court has not properly appreciated the evidence adduced and without applying mind, has quashed and set-aside the order of the trial Court dated 16.11.2000, whereas the trial Court has categorically stated and discussed each and every aspect and after appreciating the evidence of the witnesses recorded found that no case under Section 3 (1)(X) of the SC/ST Act is made out against the accused-petitioners. Without considering the observations made by the trial Court, the Revisional Court has passed the impugned order only on conjectures and surmises. Thus, the order dated 07.09.2001 passed by the Revisional Court suffers from irregularity and illegality and requires interference by this Court.

Consequently, the impugned order dated 07.09.2001 passed by the Additional Sessions Judge No.1, Jaipur District, Jaipur is herewith quashed and set-aside.

The revision petition stands allowed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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